

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JOHN DOE 5, JOHN DOE 6, and JOHN
DOE 7, by and through their next friend,
NELSON DELORES LOPEZ, on behalf of
themselves and all persons similarly situated

Plaintiffs,

V.

SHENANDOAH VALLEY JUVENILE
CENTER COMMISSION,

Defendant.

Civil Action No. 5:17-cv-00097

By: Elizabeth K. Dillon
United States District Judge

ORDER DENYING MOTION TO DISMISS

For the reasons stated in the accompanying memorandum opinion, it is HEREBY ORDERED that:

1. Defendant's motion to dismiss for failure to state a claim (Dkt. No. 229) is DENIED;
2. Defendant's motion to dismiss for lack of subject matter jurisdiction (Dkt. No. 229) is TAKEN UNDER ADVISEMENT pending an evidentiary hearing; and
3. The parties are directed to contact the court to schedule a telephone status conference and an evidentiary hearing on the issue of Nelson Delores Lopez's status as next friend.

The clerk of court is directed to transmit a copy of this order and the accompanying memorandum opinion to all counsel of record.

Entered: September 26, 2022.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge